

A. G. Contract No. KR01 1453TRN
ADOT ECS File No. JPA 01-118
Project: 060 GI 243 H4886 01C
Section: US-60 Utility Sleeves

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF MIAMI, ARIZONA

THIS AGREEMENT is entered into 12 SEPTEMBER, 2001
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the
STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State")
and the TOWN OF MIAMI, ARIZONA, acting by and through its MAYOR and TOWN COUNCIL (the
"Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. Incident to an improvement project on US-60 contemplated by the State in the Town, the Town has requested the State install approximately 110 LF of 18" PVC utility sleeves at the intersection of Miami Avenue (Station 39+50.13), at a currently estimated cost of \$12,837.00, all at Town expense, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO 24883
Filed with the Secretary of State
Date Filed: 09/12/01
Robert Layless
Secretary of State

B. Vicky J. Graenewald

II. SCOPE OF WORK

1. The Town will:

a. Provide the State with the utility as built as available, and be responsible for the accuracy of same. Provide the State and/or the State's contractor any required Town permits.

b. Be responsible for all costs associated with the Project. After bid opening, but prior to the award of a Project construction contract, pay the State for the reasonable direct actual cost of the Project, plus construction engineering, in an amount currently estimated at \$12,837.00. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the Town.

c. After bid opening, but prior to construction contract award, retain the right to cancel the Project in the event of excessive cost.

d. Upon completion and acceptance by the State, provide maintenance to the Project, all at Town expense.

2. The State will:

a. Provide design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate or resolve Town review comments.

b. Call for bids, and with the concurrence of the Town, award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Confer with the Town on any Project related construction contract modifications. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State on the State's project.

c. Invoice the Town for the reasonable direct actual cost of the Project, plus construction engineering, in an amount currently estimated at \$12,837.00.

d. Upon completion, approve and accept the Project on behalf of the parties hereto.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and payments; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be canceled at any time prior to the award of a Project contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be canceled in accordance with Arizona Revised Statutes Section 38-511

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Town of Miami
Town Manager
500 Sullivan Street
Miami, AZ 85539

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

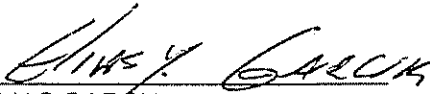
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF MIAMI

STATE OF ARIZONA

Department of Transportation

By


ELIAS GARCIA
Mayor

By


WILLIAM J. HIGGINS
Deputy State Engineer

ATTEST

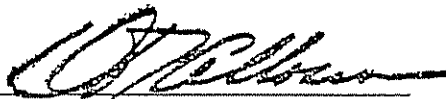
By


MARGIE HENRY
Town Clerk

RESOLUTION

BE IT RESOLVED on this 22nd day of July 2001, that I, the undersigned MARY E PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona, that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Town of Miami for the purpose of defining responsibilities for the construction of improvements on US-60 on behalf of the Town.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.



DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

REGULAR COUNCIL MEETING OF COMMON COUNCIL OF THE TOWN OF MIAMI, AZ.

AUGUST 13, 2001

I. CALL TO ORDER

- A. The meeting was called to order at 6:40 p.m.
- B. Pledge of Allegiance was led by Police Chief Abie Castaneda.
- C. Invocation was led by Councilman Robert Baeza.

II. ROLL CALL

- A. The following Councilpersons were present: Mayor Elias Y. Garcia, Vice-Mayor Arnold Rojas, Councilman Dave Portillo, Councilman Robert Baeza and Councilman Charles Erickson, Councilwoman Rosemary Yauney and Councilman Otto Santa Anna.

Also present were: Police Chief Castaneda and Town Manager Self.

III. CALL TO THE PUBLIC

- A. No comments.

IV. DEMANDS/MINUTES

- A. Motion by Councilman Erickson, seconded by Councilman Baeza to approve the Demands and minutes. Motion passed.

V. REPORTS BY DEPARTMENT HEADS/COMMITTEES

- A. No comments.

VI. NEW BUSINESS

- A. Presentation by Bob Zache on the Fiesta De Las Fiestas and a request for co-sponsorship. Motion by Councilman Portillo, seconded by Councilwoman Yauney to co-sponsor the Fiesta De Las Fiestas. Motion carried.
- B. Mayor Elias Y. Garcia opened and closed the public hearing on Cable One permit request. No public comments.
- C. Ray Webb made a presentation on the request to use the Bullion Plaza for Boy Scouts meeting. Discussion followed. Motion by Councilman Erickson, seconded by Vice-Mayor Rojas to approve the use of Bullion Plaza Band Room temporarily until an agreement can be drafted. Suggestion was made that the Boy Scouts coordinate their building use through the Bullion Plaza Committee. Motion carried.
- D. Motion by Councilman Santa Anna, seconded by Councilman Portillo to approve the Special Event Liquor License for the Globe/Miami Old Time Reunion for the Fiesta De Las Fiestas on September 15, 2001. Motion carried.
- E. Motion by Councilman Portillo, seconded by Councilman Santa Anna to approve the APS customer pay station agreement. Motion carried.
- F. Motion by Vice-Mayor Rojas, seconded by Councilman Portillo to approve the IGA between the Town of Miami and The Arizona Department of Transportation relative to installation of utility sleeves. Motion carried.
- G. Motion by Councilman Portillo, seconded by Councilman Erickson to read by title only Resolution No. 944. Motion passed.
Town Manager Self read by title only Resolution No. 944.

Motion by Councilman Portillo, seconded by Councilman Erickson to adopt Resolution No. 944. Motion passed.


VII ADJOURNMENT

- A. Motion by Councilman Portillo, seconded by Vice-Mayor Rojas to adjourn The meeting at 7:50 p.m. Motion passed unanimously.


ELIAS Y. GARCIA - MAYOR


MARGIE HENRY - TOWN CLERK

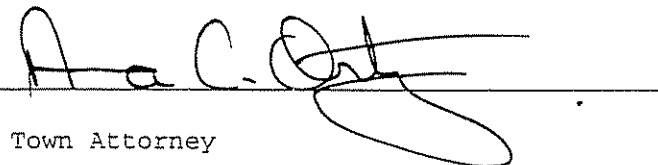
I hereby certify that the foregoing minutes are a true and correct copy of the Regular Meeting Held on August 13, 2001 in the Town of Miami, Arizona. I further certify that the meeting Was duly called and held and that a quorum was present.


MARGIE HENRY - TOWN CLERK
Dated this day of 8/29/01

APPROVAL OF THE MIAMI TOWN ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the TOWN OF MIAMI AND THE CITY OF SAFFORD and declare this agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

DATED this 22ND day of August, 2001.


Town Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

JANET NAPOLITANO
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

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INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR01-1453TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED September 6, 2001.

JANET NAPOLITANO
Attorney General

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ggt

Enc.

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